

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CARL THOMPSON,
Plaintiff,

v.

TONY DIMAGGIO’S STROMBOLI &
PIZZA INC., et al.,
Defendants.

Case No. 21-CV-04085-LHK

**ORDER DENYING DEFENDANTS’
MOTION FOR STAY**

Re: Dkt. No. 8

On May 28, 2021, Plaintiff brought this Americans with Disabilities Act (“ADA”) case against two entities: Defendants Tony Dimaggio’s Stromboli & Pizza Inc. and Monterey & Rancho Plaza, a California general partnership. ECF No. 1. In this district, ADA cases are governed by General Order No. 56 (Jan. 1, 2020), *as amended by* the Second Amended Notice (June 4, 2020), *available at* <https://cand.uscourts.gov/rules/general-orders/>. General Order No. 56 requires the parties to hold a joint site inspection and to engage in settlement discussions on a set schedule. ECF No. 4 (scheduling order).

Yet on June 25, 2021, Defendants filed *pro se* the instant Amended Application Pursuant to California Civil Code § 55.54 for Stay and Early Evaluation Conference and Joint Inspection. ECF No. 8 (“Motion to Stay” or “Mot.”). This Motion to Stay appears to be a standardized form

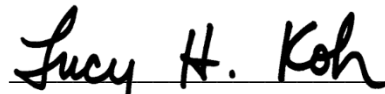
1 used in state law actions in California Superior Court, not federal ADA actions in the United
2 States District Court for the Northern District of California. *Id.* at 1.

3 Plaintiff opposes the Motion to Stay on two grounds. ECF No. 9. Plaintiff first argues
4 that because Defendants are entities, they may not file their Motion to Stay *pro se*. *Id.* at 1.
5 Plaintiff also argues that General Order No. 56, not California Civil Code § 55.54, governs ADA
6 cases in this district. *Id.* at 2.

7 The Court agrees with both of Plaintiff's arguments. First, Civil Local Rule 3-9(b)
8 provides that "[a] corporation, unincorporated association, partnership or other such entity may
9 appear only through a member of the bar of this Court." Second, as the Court has explained above,
10 General Order No. 56 governs ADA cases in this district. The Court thus DENIES Defendants'
11 Motion to Stay.

12 **IT IS SO ORDERED.**

13
14 Dated: July 19, 2021



LUCY H. KOH
United States District Judge

United States District Court
Northern District of California